



File: 292-30/HTH-2019-91012

February 28, 2019

Sent via email: devonplatana@cmail.carleton.ca

Devon Platana
8-1404 Rosenthal Ave.
Ottawa ON K1Z 8H9

Dear Devon Platana:

Re: Request for Access to Records – Fee Estimate
Freedom of Information and Protection of Privacy Act (FOIPPA)

I am writing further to your request received by the Ministry of Health. Your request is for:

Records regarding marketing of cannabis in British Columbia, including but not limited to briefing notes, excluding emails and cabinet confidences. (Date Range for Record Search: From 10/17/2018 To 02/14/2019)

Due to the size and scope of your request, the Ministry has estimated a fee of \$720.00, calculated as per the attached Fee Summary.

Your request has been placed on hold; you have **20 business days** to respond to this letter. If we do not hear from you by **March 28, 2019**, we will consider your request abandoned and close the file.

Section 75(1) of FOIPPA provides that we may charge a fee for certain limited costs of processing your request. However, the first three hours to search for records and any time spent reviewing and/or severing information from the records is not charged to you. A copy of section 75 is enclosed for your reference. A complete copy of FOIPPA is available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00

There are three options to respond, detailed below.

1 - NARROW YOUR REQUEST TO REDUCE OR ELIMINATE FEES

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You may wish to consider options to reduce or possibly eliminate the fee estimate, such as:

- Reducing the time period for which you have requested records, or
- Requesting records from specific staff members or program areas in the Ministry, or
- Requesting specific types of records (e.g. final versus draft, correspondence, briefing notes, reports).
- Requesting electronic copies of the records.

A more comprehensive fee estimate reflecting all chargeable items may be provided at a later date. I will work with you to try to find an efficient and cost effective method in which to provide records.

2 - PAY THE FEE ESTIMATE

Due to the amount of the estimate, we will require a deposit in the amount of \$360.00. Where a balance of fees is owed, payment must be received prior to the release of the records. We will notify you if a balance is due. Your request will be placed on hold pending receipt of final payment.

Please send a cheque or money order made payable to the Minister of Finance, quote your file number and mail it to:

Attn: Clinton Galloway
Information Access Operations
Ministry of Citizens' Services
PO Box 9569 Stn Prov Govt
Victoria BC V8W 9K1

To pay by credit card, please call 250 387-1321. VISA, Master Card and Amex are accepted. You will need to have your request number and payment amount ready. Credit card payments will appear on your statement as "QP Bookstore". If applicable, fee refunds are paid by cheque and are not credited back to the payment card.

Upon receipt of payment, we will resume processing your request. All reasonable efforts have been made to generate an accurate estimate.

You will be required to pay the actual cost whether it is higher or lower than the estimate. If it appears that the actual cost of processing the request will be different than the original fee estimate, we may issue a revised estimate.

3 - REQUEST A FEE WAIVER

In certain circumstances fees may be partially or entirely waived. We have enclosed a Fee Waiver Information Sheet for your convenience.

If you have any questions regarding your request, please contact Clinton Galloway at 778-974-2251. This number can be reached toll-free by calling from Vancouver, 604 660-2421, or from elsewhere in BC, 1 800 663-7867 and asking to be transferred to 778-974-2251.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Galloway', is positioned above the typed name.

Clinton Galloway, FOI Analyst
On behalf of Maxine Vanzetta, Manager
Health / Education Team, Information Access Operations

Enclosures

Fees

75 (1) The head of a public body may require an applicant who makes a request under section 5 to pay to the public body fees for the following services:

- (a) locating, retrieving and producing the record;
- (b) preparing the record for disclosure;
- (c) shipping and handling the record;
- (d) providing a copy of the record.

(2) An applicant must not be required under subsection (1) to pay a fee for

- (a) the first 3 hours spent locating and retrieving a record, or
- (b) time spent severing information from a record.

(3) Subsection (1) does not apply to a request for the applicant's own personal information.

(4) If an applicant is required to pay a fee for services under subsection (1), the head of the public body

- (a) must give the applicant a written estimate of the total fee before providing the service, and
- (b) may require the applicant to pay a deposit in the amount set by the head of the public body.

(5) If the head of a public body receives an applicant's written request to be excused from paying all or part of the fees for services, the head may excuse the applicant if, in the head's opinion,

- (a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or
- (b) the record relates to a matter of public interest, including the environment or public health or safety.

(5.1) The head of a public body must respond under subsection (5) in writing and within 20 days after receiving the request.

(6) The fees that prescribed categories of applicants are required to pay for services under subsection (1) may differ from the fees other applicants are required to pay for them, but may not be greater than the actual costs of the services.

Fee Waiver Information Sheet

You have the right to request a fee waiver. Section 75(5) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) sets out the rules regarding when a fee waiver may be granted by a public body. If you decide to request a fee waiver, you bear the burden of proof to establish that a waiver should be granted. You must demonstrate that:

- You cannot afford the payment or for any other reason it is fair to excuse payment, or
- The record relates to a matter of public interest, including the environment or public health or safety.

Please send your fee waiver request in writing and provide detailed evidence and reasons to support your case. You may mail or email this information to the analyst processing your request. Their contact information is provided in the body of the letter.

The Ministry will consider these factors when assessing whether or not to grant a fee waiver request:

1. Inability to pay:

In order for the head of a public body to consider waiving or reducing the fee for reasons of inability to pay, you must provide sufficient evidence to allow the public body to make a fair determination. Sufficient evidence could include a financial statement, pay stub, bank statement or Canada Revenue Agency Notice of Assessment. ([Commissioner's Order 79-1996](#) and [2001-04](#)).

2. Public Interest:

In order for the head of a public body to consider waiving or reducing the fee because the records relate to a matter of public interest, you must provide sufficient evidence in support of the following factors:

- Has the information been the subject of recent public debate?
- Does the subject matter of the record relate directly to the environment, public health, or safety?
- Would dissemination of the information yield a public benefit by
 - Disclosing an environmental, public health or safety concern
 - Contributing meaningfully to the development or understanding of an important environmental, health, or safety issue, or
 - Assisting public understanding of an important policy, law, program, or service?
- Do the records show how the public body is allocating financial or other resources?

If the head decides that the records do relate to a matter of public interest, then he or she must then determine whether you should be excused from paying all or part of the estimated fees. Factors that should be considered would include:

- Is your primary purpose to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest?
- Are you able to disseminate the information to the public?

If your primary purpose is to serve a private interest, then the head may be justified in refusing to waive fees, even where he or she is of the opinion that the records do relate to a matter of public interest. ([Commissioner's Order 155-1997](#)).

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:

Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
4th Floor, 947 Fort Street
Victoria BC V8W 9A4
Telephone 250 387-5629 Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.